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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/596,391	03/22/2007	Gerhard Alber	72206	5995		
23872	7590	05/27/2009	EXAMINER			
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227				DANG, KET D		
ART UNIT		PAPER NUMBER				
3742						
MAIL DATE		DELIVERY MODE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,391	ALBER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KET D. DANG	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 March 2007.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/12/2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/EP2004/010670, filed on September 23, 2004.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Strum et al. (US 4,872,940).

4. Regarding claims 1-3, Strum et al. disclose a method for butt welding metal sheets (Abstract), preferably strips of metal sheet or steel sheet billets of differing thickness, the method comprising: providing relative motion between a laser beam 25 (fig. 1) (Abstract) and metal sheets 1/2 (fig. 3) along the contact line between metal sheets or the weld seam to be prepared with tension rollers 3/4 (fig.1) arranged in pairs above 3 (fig. 1) and below 4 (fig. 1) metal sheets at spaced location from one another and next to weld seam along contact line of metal sheets or weld seam to be prepared (col. 1, lines 7-12); wherein tension rollers 3/4 (fig.1) include tension rollers 3 (fig. 1) arranged above metal sheets that are movable in height (col. 2, lines 13-28); and wherein tension rollers include tension rollers 4 (fig. 1) arranged below metal sheets

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including a tension roller on one side of the weld seam that is adjusted in height (col. 2, lines 13-28); wherein tension rollers are adjusted in height as a function of the thickness and/or the necessary height position of corresponding metal sheet (col. 2, lines 24-27); and wherein the height of one of tension rollers is changed and the height of another tension roller is fixed during the ongoing welding operation (col. 3, lines 25-37)

5. Regarding claim 4, Strum et al. disclose a device for butt welding (Abstract) metal sheets, preferably metal sheet strips 1/2 (fig. 3) or steel sheet billets of differing thickness for carrying out the welding method, the device comprising: a laser beam 25 (fig. 3); and tension rollers 3/4 (fig. 1) arranged in pairs at spaced locations from one another next to weld seam above and below metal sheets allowing relative motion between laser beam and the metal sheets 1/2 (fig. 3) along a contact line between the metal sheets or a weld seam to be prepared (col. 1, lines 7-12); and tension rollers including tension rollers 3 (fig. 1) arranged above metal sheets that are movable in height (col. 2, lines 13-28); and including at least one of tension rollers 4 (fig. 1) arranged below metal sheets that is arranged on a bearing that is adjustable in height on a vertical guide rail (col. 2, lines 13-28).

6. Regarding claims 5-8, Strum et al. disclose a method for butt welding metal sheets (Abstract), the method comprising: providing a laser beam 25 (fig. 3) (col. 1, lines 60-61); providing upper tension rollers 3 (fig. 1) and supported above the metal sheets so as to be movable in height (col. 2, lines 13-18); providing lower tension rollers 4 (fig. 1) arranged below the metal sheets with one of lower tension rollers being on one side of the weld seam and being adjustably mounted to be adjusted in height (col. 2,

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lines 13-18); further comprising: adjusting the height of one of lower tension rollers 4 (fig. 1) adjustably mounted on one side of the weld seam (col. 3, lines 31-33); and subsequent to step of adjusting the height, fixing a height position of one of lower tension rollers adjustably mounted on one side of the weld seam for but welding the sheets (col. 3, lines 25-37); wherein step of adjusting the height includes adjusting the height of one of lower tension rollers adjustably mounted on one side of the weld seam as a function of the thickness (col. 2, lines 24-28) and/or the necessary height position of corresponding metal sheet which one of said lower tension rollers adjustably mounted on one side of the weld seam is in contact (col. 3, lines 9-16, 34-37; col. 4, lines 22-29); and wherein the height of said one of lower tension rollers adjustably mounted on one side of the weld seam is adjusted while maintaining fixed the height position of another of lower tension rollers (col. 3, lines 25-37).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KET D. DANG whose telephone number is (571) 270-7827. The examiner can normally be reached on Monday - Friday, 7:30 - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoang Tu can be reached on (571) 272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KET D DANG/  
Examiner, Art Unit 3742  
/TU B HOANG/  
Supervisory Patent Examiner, Art Unit 3742